

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) BY **COMMERCIAL CATEGORIES IV (LGA 2004-00024-LGA 2004-00029)** COUNTY INITIATED AMENDMENT: MODIFYING PAGES 64, 72, 98, 103, AND 110 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 105.3 ACRES, LOCATED COUNTYWIDE, FROM COMMERCIAL (C) TO COMMERCIAL HIGH, WITH AN UNDERLYING INDUSTRIAL (CH/IND), COMMERCIAL HIGH, WITH AN UNDERLYING 8 UNITS PER ACRE (CH/8), COMMERCIAL HIGH, WITH AN UNDERLYING 3 UNITS PER ACRE (CH/3) OR COMMERCIAL HIGH-OFFICE, WITH AN UNDERLYING 5 UNITS PER ACRE (CH-O/5); PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearings on February 20 & 27, and March 12, 2004 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2004 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Palm Beach County received on June 28, 2004 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 19, 2004 which was the Department's

Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on August 24, 2004 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Element of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

A. Future Land Use Atlas pages 64, 72, 98, 103, 110, are amended to assign commercial categories of Commercial High, with an underlying Industrial (CH/IND), Commercial High, with an underlying 8 units per acre (CH/8), Commercial High, with an underlying 3 units per acre (CH/3) or Commercial High-Office, with an underlying 5 units per acre (CH-O/5) to approximately 11 commercially designated sites totaling approximately 105.3 acres as depicted in the attached Exhibits.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.



81 Part IV. Inclusion in the 1989 Comprehensive Plan

82 The provision of this Ordinance shall become and be made a part  
83 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
84 Ordinance may be renumbered or relettered to accomplish such, and the  
85 word "ordinance" may be changed to "section," "article," or any other  
86 appropriate word.

87 Part V. Effective Date

88 The effective date of this plan amendment shall be the date a  
89 final order is issued by the Department of Community Affairs or  
90 Administration Commission finding the amendment in compliance in  
91 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is  
92 applicable. No development orders, development permits, or land uses  
93 dependent on this amendment may be issued or commence before it has  
94 become effective. If a final order of noncompliance is issued by the  
95 Administration Commission, this amendment may nevertheless be made  
96 effective by adoption of a resolution affirming its effective status,  
97 a copy of which resolution shall be sent to the Florida Department of  
98 Community Affairs, Division of Community Planning, Plan Processing  
99 Team. An adopted amendment whose effective date is delayed by law  
100 shall be considered part of the adopted plan until determined to be  
101 not in compliance by final order of the Administration Commission.  
102 Then, it shall no longer be part of the adopted plan unless the local  
103 government adopts a resolution affirming its effectiveness in the  
104 manner provided by law.

105 APPROVED AND ADOPTED by the Board of County Commissioners of  
106 Palm Beach County, on the 24 day of August, 2004.

107 ATTEST:  
108 DOROTHY H. WILKEN Clerk

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

109 By: Sandra C. Wilken  
110 Deputy Clerk

By

Karen T. Marcus for  
Chair

111  
112  
113  
114  
115 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

116  
117  
118 COUNTY ATTORNEY

119  
120 Filed with the Department of State on the 30 day of  
121 August, 2004.

## EXHIBIT 1

### A. Future Land Use Atlas, Commercial Categories

Amendment No.: LGA 2004-00024

FLUA Page No: 64

Amendment: C/IND to CH/IND

Location: North side of Evans Lane, approximately 300' west of Military Trail and 0.20 mile south of Belvedere Road

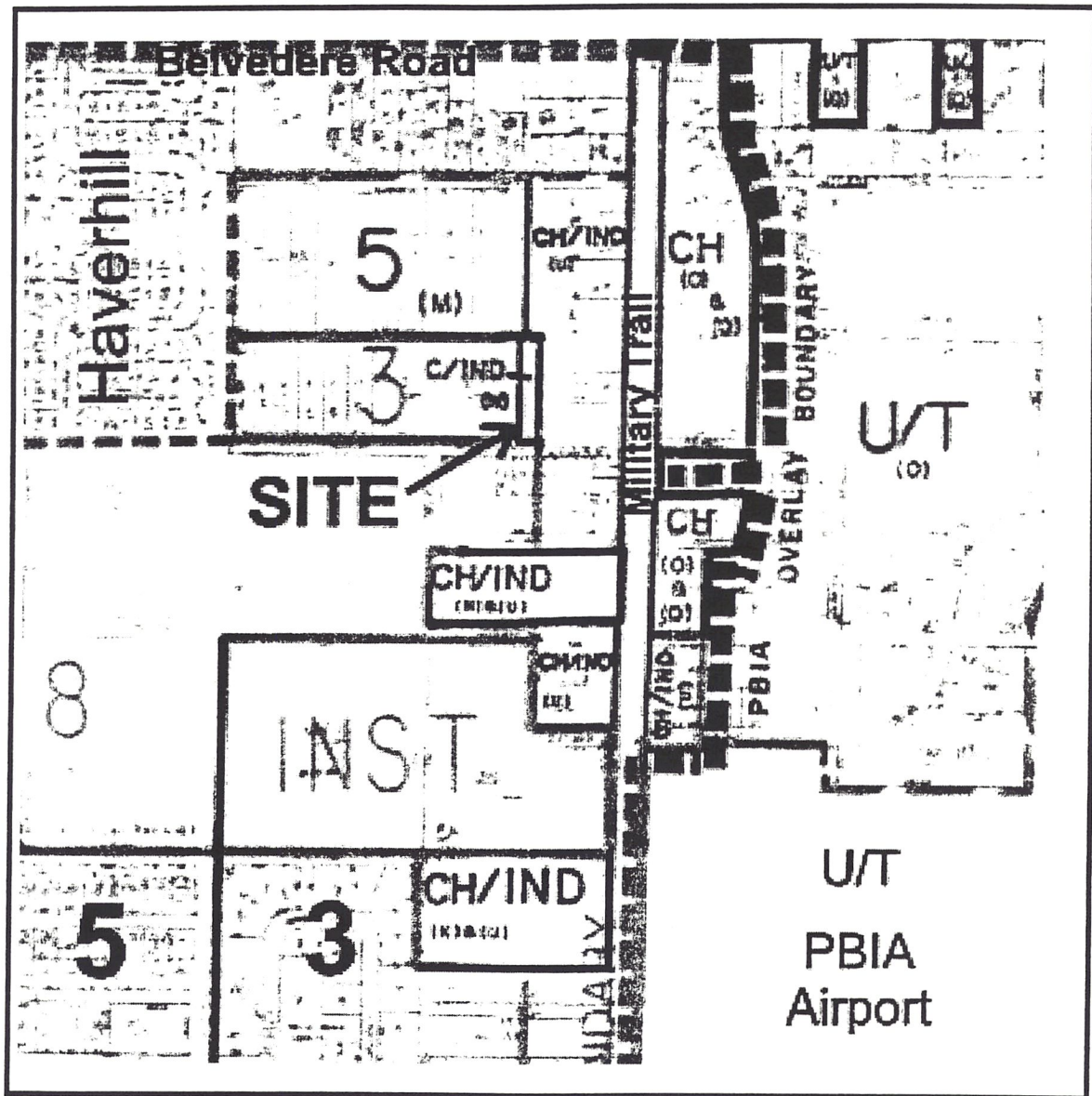
Size: 0.60 acre

Zoning: CG

Arterial Road? No

Use: Single family dwelling unit

Category Analysis: The CH designation is recommended for the site. Although not located on an arterial roadway, it meets the criterion for permitting a CH designation when a property has an underlying designation of Industrial (IND).







**C. Future Land Use Atlas, Commercial Categories**

**Amendment No.:** LGA 2004-00026

**FLUA Page No:** 98

**Amendment:** C/8 to CH/8

**Location:** North side of Atlantic Avenue, approximately 0.25 mile east of Hagen Ranch Road

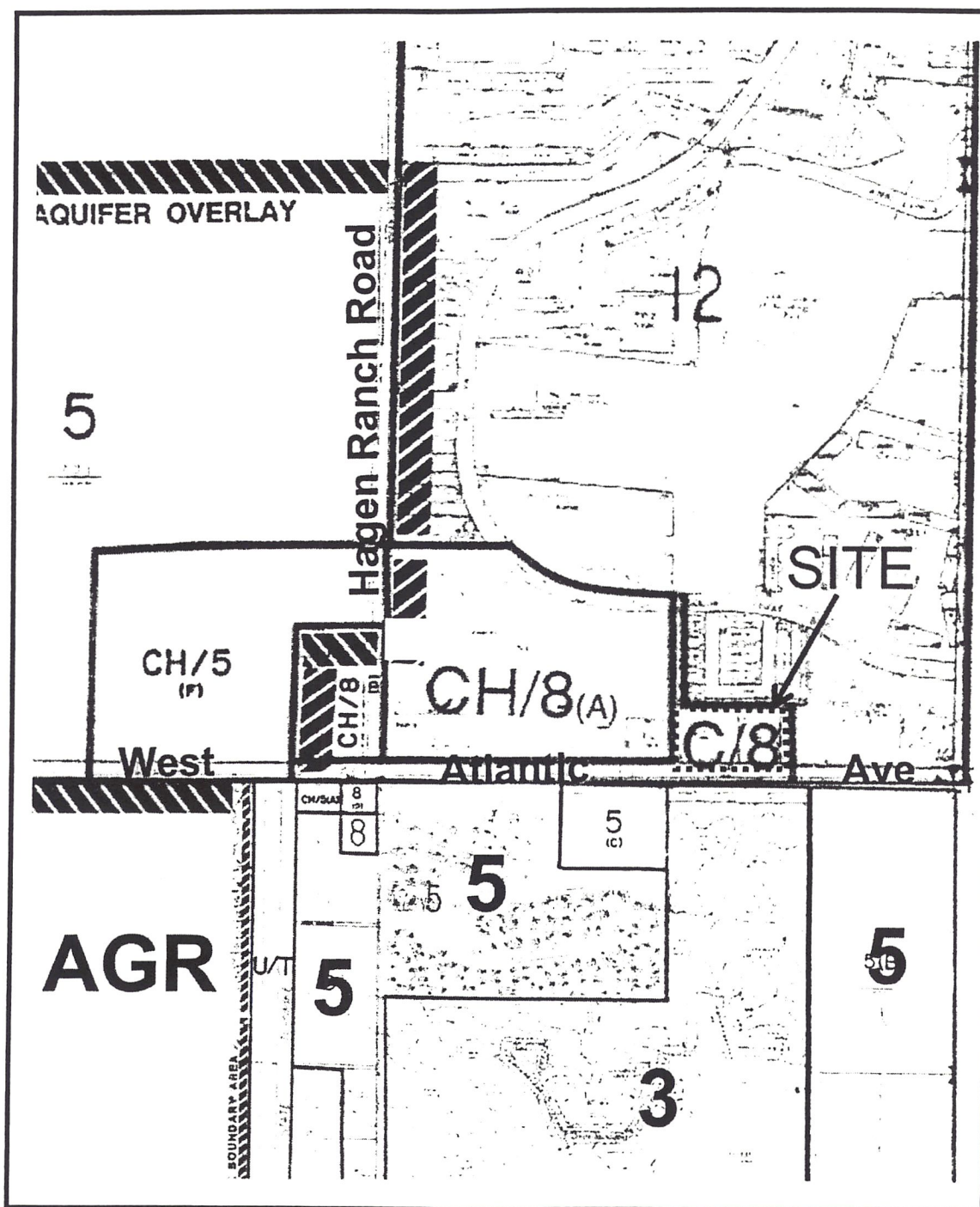
**Size:** 2.78 acres (two properties collectively)

**Zoning:** CG

**Arterial Road?** Yes

**Use:** Bank and funeral home

**Category Analysis:** The CH designation is recommended for the site, as it is adjacent to an arterial roadway and has an underlying designation of 8 units per acre.





D. Future Land Use Atlas, Commercial Categories

Amendment No.: LGA 2004-00027 FLUA Page No: 103

Amendment: C/5 to CH-O/5

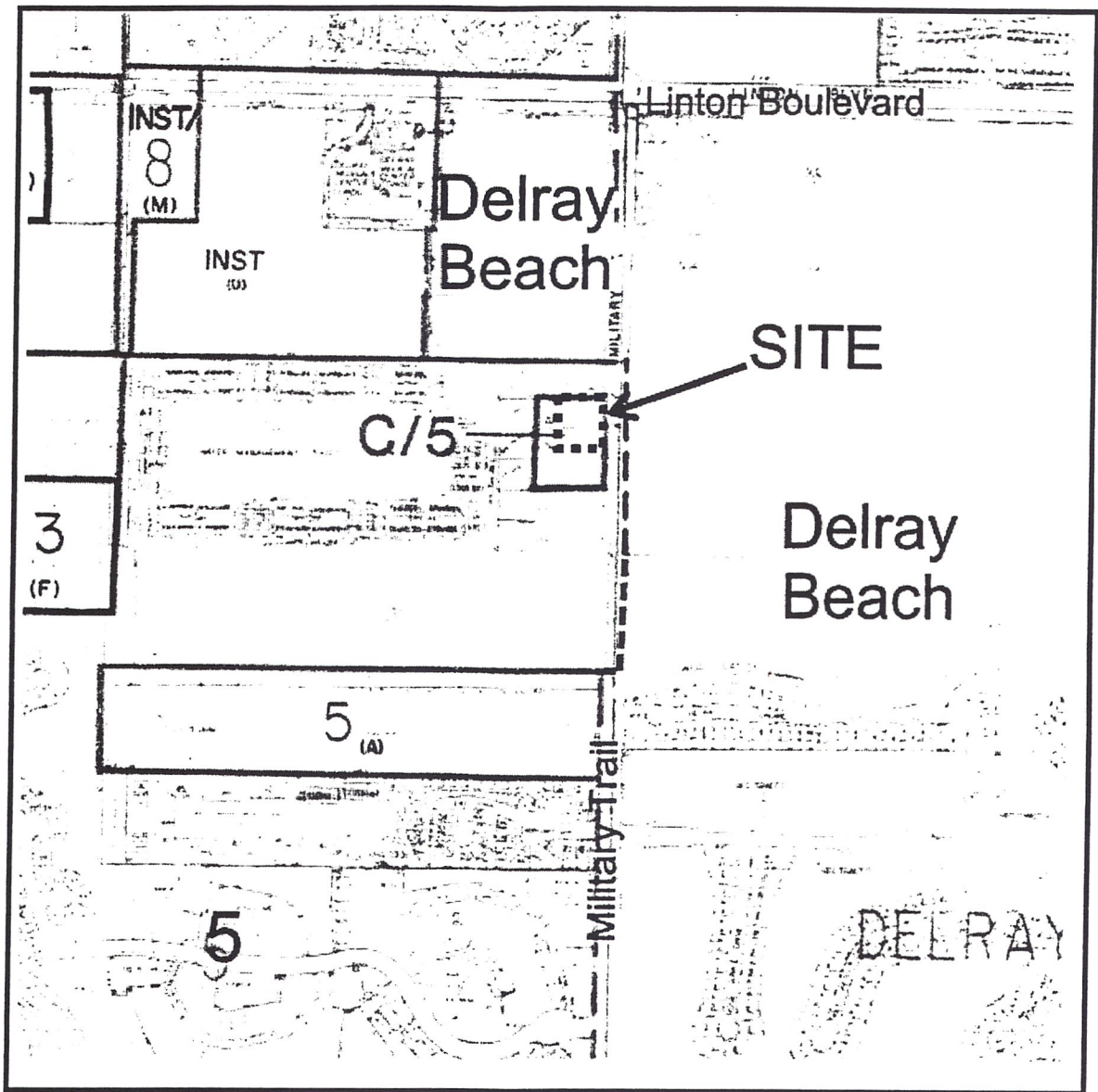
Location: West side of Military Trail, approximately 0.25 mile south of Linton Boulevard

Size: 1.26 acres

Zoning: CS Arterial Road? Yes

Use: Office Building

Category Analysis: The CH-O designation is recommended for the site. It is adjacent to an arterial roadway and its CS zoning and office building were approved prior to the 1989 adoption of the FLUA. The Commercial High Intensity Office (CHO) zoning category has replaced CS and is consistent with the CH-O designation.



E. Future Land Use Atlas, Commercial Categories

Amendment No.: LGA 2004-00028 FLUA Page No: 110

Amendment: C/8 to CH/8

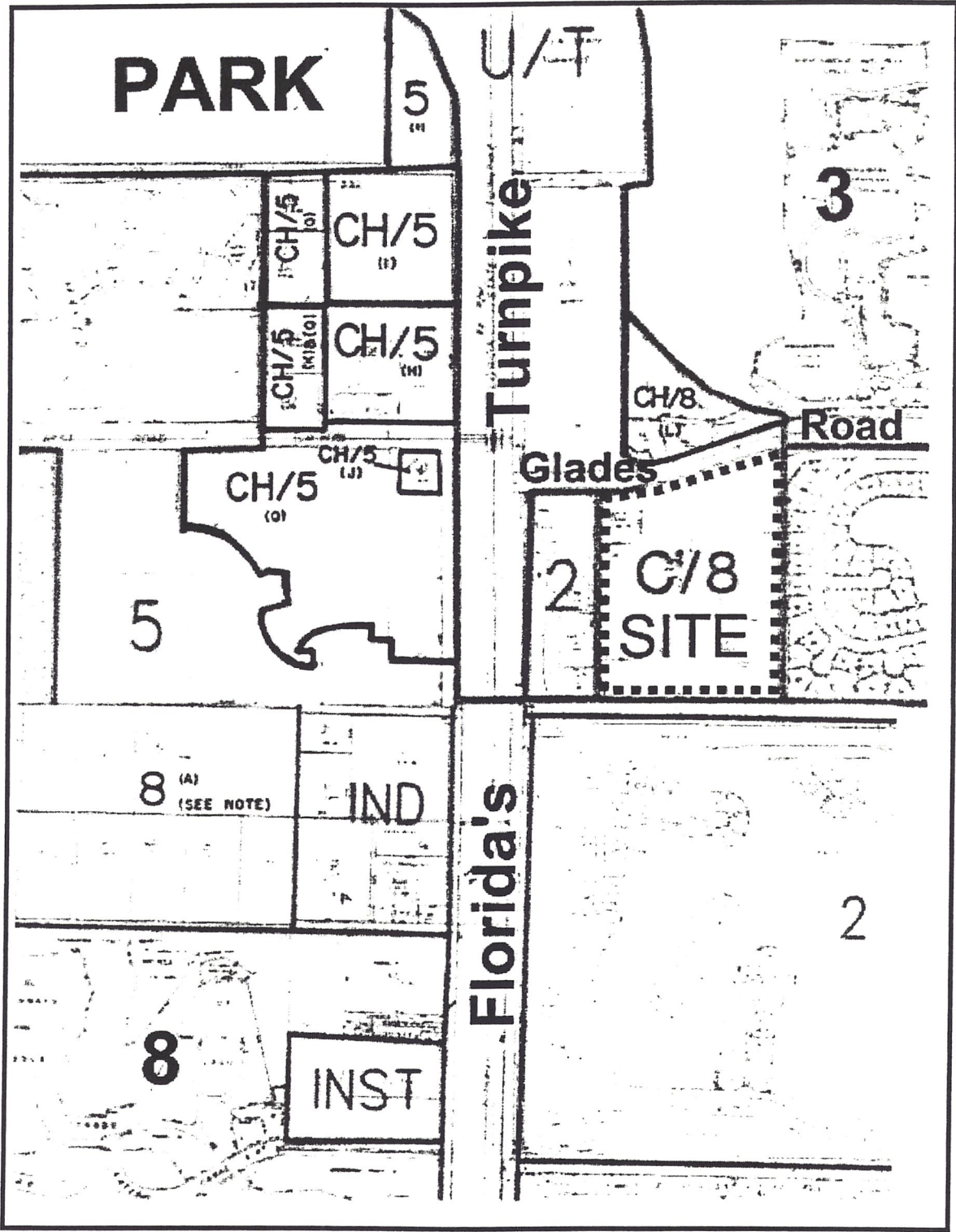
Location: South side of Glades Road, approximately 400' east of the Turnpike

Size: 22.73 acres (5 properties collectively)

Zoning: CG Arterial Road? Yes

Use: Two office buildings and a hotel, service station, and restaurant

Category Analysis: The CH designation is recommended for the site, as it is adjacent to an arterial roadway and has an underlying designation of 8 units per acre.





## F. Future Land Use Atlas, Commercial Categories

Amendment No.: LGA 2004-00029

FLUA Page No: 72

Amendment: C/8 and C/3 to CH/8 and CH/3

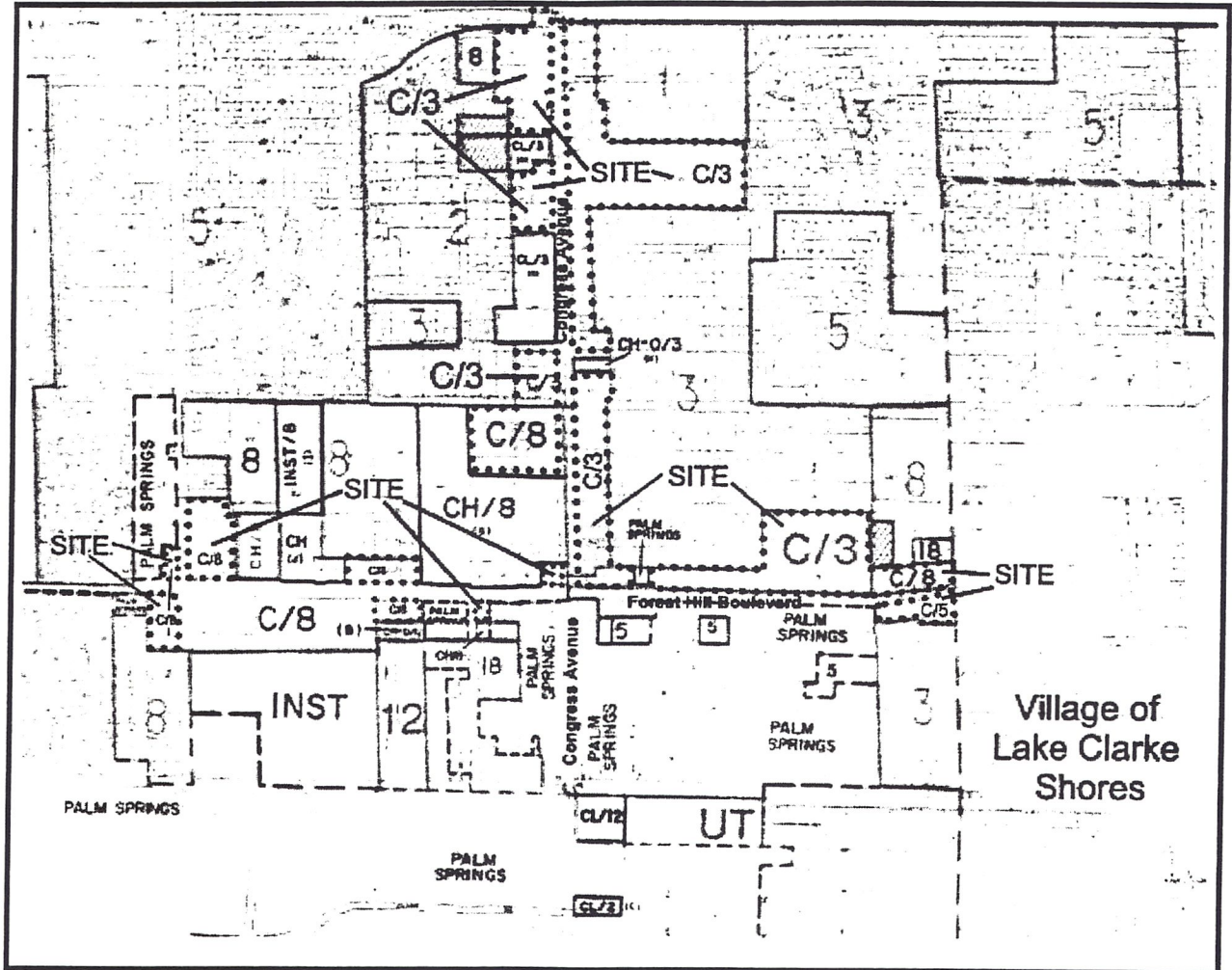
Location: Forest Hill Blvd. from Florida Mango Rd. west to Kirk Rd. and Congress Ave.  
from Forest Hill Blvd. north to Collin Drive

Size: 77.19 acres (multiple properties collectively)

Zoning: CG, CN, RM, RS, CC, and CS Arterial Road? Yes

Use: Retail, office, vacant, and four residential units

Category Analysis: The CH designation is recommended for the site. The subject properties are adjacent to arterial roadways and the CH designation would be consistent with the pattern of commercial development along these segments of Congress Avenue and Forest Hill Blvd.



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STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on August 24, 2004  
DATED at West Palm Beach, FL on 10/21/04.  
DOROTHY H. WILKEN, Clerk  
By: William Brown D.C.